GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3311
ANSWERED ON:22.03.2017
Counsels for Filing Cases
Rajoria Dr. Manoj

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government appoints a panel of counsels for filing cases in the courts on behalf of various Ministries/departments and representing the said offices in the courts;
(b) if so, the details in this regard; and
(c) the qualifications fixed by the Government for appointment of panel of counsels in various departments/Ministries?

Answer

ANSWER
MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY

(SHRI P.P. CHAUDHARY)

(a) Yes, Madam, in exercise of the powers conferred by clause (a) of Rule 8 B of Order XXVII of the First Schedule to the Code of Civil Procedure 1908, Central Government appoints Government Pleaders and also Central Government Standing Counsel in relation to any suit by or against the Central Government in various courts and in exercise of powers conferred by the provisions of sections 24 and 25 of the Criminal Procedure Code, 1973, Central Government appoints public prosecutors, including special public prosecutors, in Criminal cases on behalf of Central Government before various courts.

(b) Central Government Counsels are engaged by the president on the basis of their experience, professional competence, interest, reputation & standing at Bar.

Contdâ€¦

However certain Ministries/Departments viz. CBDT, CBEC, ED of Ministry of Finance, NCB, NIA of MHA, Ministry of Railways and CBI have been authorized to have their separate panels to file or defend their cases. They asses the competency etc. of the advocates at their end and send the proposals for approval of this Ministry before appointment.

(c) The required qualifications for a person for his inclusion in the panel of Central Government Standing Counsel includes:-

(i) he must be enrolled as an advocate;
(ii) he should have sufficient standing at the Bar and professional competence.
(iii) he should be a person of integrity and honesty.